

FREQUENTLY ASKED QUESTIONS

- Question: Does the pilot project apply to proceedings that took place before the date **(February 13, 2006)** on which this court began following the electronic transcript policy if the transcript is ordered on or after that date?
- Answer: Yes. The pilot project applies to all transcript orders placed on or after **February 13, 2006**, when this court began following the policy regardless of when the proceeding took place.
- Question: How will a party know that a transcript has been ordered and when it has been filed so that the party can be on notice that it has five business days from the date the transcript is filed with the clerk within which to indicate that it intends to seek redaction of personal data identifiers?
- Answer: When a party requests a transcript, they should electronically file a **“Request for Transcript”** and serve it on all parties to the case. When the original transcript is filed, attorneys will receive notice of filing and will have five business days within which to file their **“Notice of Intent to Redact.”**
- Question: Will the redactions procedures and the time lines they contain have any effect on the dates by which a court reporter must file a transcript with the ordering party or the clerk?
- Answer: No. The current Judicial Conference time requirements for production and filing of transcripts remain the same.
- Question: Will the original transcript be immediately electronically available through the CM/ECF system and PACER?
- Answer: No. Pursuant to the policy, the transcript is not to be electronically available until after the five-day redaction period has passed without the filing of a notice of intent to redact being filed or the redactions have been performed, or, if the court has extended the time for filing the notice of intent to seek redaction, that extended time has lapsed.

- Question: Attorneys have asked for clarification about their responsibility for reviewing transcripts for redaction. Specifically, attorneys have asked if they are responsible for reviewing the entire transcript for redactions or only those witnesses they called?
- Answer: An attorney is only responsible for reviewing for redaction and providing the redactions to the court reporter for the testimony of the witnesses they called and their own opening and closing statements. In the case where only the parties are present (e.g. entry of plea or sentencing) counsel is responsible for reviewing the remarks of his or her own client for redaction purposes. This should make it easier for attorneys to review transcripts for redaction within the time period set out in the policy.
- Question: If an attorney files a **Notice of Intent to Redact**, but after reviewing the transcript decides that there is no need for redaction, what should they do?
- Answer: If after filing the **Notice of Intent to Redact** the attorney determines that there is no need to redact the transcript, they should simply send the Court Reporter a letter indicating this determination.
- Question: Should CJA panel attorneys be compensated for the time spent reviewing the transcript for purposes of redaction and submitting the list of redactions to the court reporter/transcriber?
- Answer: Yes, at the applicable hourly rate.
- Question: If a CJA attorney incurs costs in obtaining a transcript to review it for redactions, are those costs covered by the CJA?
- Answer: Yes.
- Question: If a motion to redact information in a transcript other than the specified identifiers is filed, is it automatically sealed, at least until it is ruled upon?
- Answer: It is anticipated that the party making the redaction motion would ask for it to be sealed, at least until it is ruled upon. Allowing the motion to be sealed would protect any sensitive information while the motion is pending. Consideration should also be given to sealing any related briefings and orders.